

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DANIEL LESLIE,

Plaintiff,

VS.

MAIDA ENGINEERING, INC., and
GUARANTEE ELECTRICAL COMPANY,

Defendants

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Case No.

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COMES NOW Defendant Guarantee Electrical Company and respectfully states:

1. Plaintiff John Daniel Leslie is an employee of the United States Park Service and works at the Gateway Arch. He maintains and repairs the tram that takes visitors to the top of the Arch (*see Petition*, ¶4).
2. The Court can take judicial notice of the fact that the Gateway Arch is situated on the grounds of the National Expansion Memorial which is owned by the United States of America and maintained through the National Park Service.
3. Plaintiff states that in 2011 Defendants Maida Engineering, Inc., and Guarantee Electrical Company were hired by the federal government to work on the Arch tram in a project to provide additional electrical wiring for the tram system (*see Petition*, ¶4).
4. Plaintiff states that on February 9, 2011, he was asked to assist Defendants Maida Engineering, Inc., and Guarantee Electrical Company in doing some work on the tram, and in the course of this work Plaintiff was injured (*see Petition*, ¶8 and 9).

5. Defendant Guarantee Electrical Company states that it was served with suit papers on March 7, 2013, and the time for filing this Notice of Removal under 28 U.S.C. Section 1446 has not expired.

6. Defendant Guarantee Electrical Company states that Defendant Maida Engineering, Inc., consents to this Notice of Removal. A copy of this Consent is attached hereto.

7. Plaintiff is a federal employee who was injured on a federal project being performed on a federal monument located in a national park on federal land. Defendant Guarantee Electrical Company states that this Court has jurisdiction pursuant to 28 U.S.C. Section 1331 since the site where this cause of action arose was subject to the exclusive jurisdiction of the United States. With the acquisition of that site by the United States, the laws of the State of Missouri, not inconsistent with the laws of the United States, continued in force, but they became, at the moment of acquisition, laws of the United States. This case therefore arose under the laws of the United States. After the cession of jurisdiction to the United States, the laws of the State of Missouri not inconsistent with the transfer are still vital to fix the private rights of persons in the ceded area, but they lose their character as laws of the state and become laws of the United States. The District Court therefore has jurisdiction of this case under both the statute giving jurisdiction in cases arising out of the Constitution, laws and treaties of the United States and under the general rule of law applicable when exclusive jurisdiction over territory is ceded by a state to the United States, becoming a federal enclave subject to exclusive federal legislative jurisdiction.

WHEREFORE, Defendant Guarantee Electrical Company, with the consent of Defendant Maida Engineering, Inc., pray that an Order be entered herein causing Cause No. 1322-CC00445 of the Circuit Court of the City of St. Louis wherein John Daniel Leslie is the Plaintiff and Maida

Engineering, Inc., and Guarantee Electrical Company are Defendants, to be removed to this Court for further proceedings and that this Court take jurisdiction in and make further orders as may be proper under the circumstances.

LAW OFFICE OF STEPHEN H. LARSON

/s/ J. Michael Waller
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Attorneys for Defendant Guarantee Electrical
Company

CERTIFICATE OF SERVICE

A copy of the foregoing mailed this 2nd day of April, 2013, to:

Gary K. Burger, Jr.
Attorney for Plaintiff
12283 Olive Blvd.
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Justin Chapell
Attorney for Maida Engineering, Inc.
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/s/ J. Michael Waller